

Remarks

Claims 1-3 and 7-18 are pending with entry of this Amendment and stand rejected.

Please cancel Claims 4-5 without prejudice.

Independent Claims 1, 17 and 18 have been amended with the entry of this Amendment.

Applicant acknowledges the withdrawal of the rejections under 35 U.S.C. § 112.

The Section 103 Rejections

On pages 3-5 of the Action, the Office rejected Claims 1-3, 7 and 17-18.

Applicant has amended independent Claims 1, 17 and 18 to require the gathering of downlink geolocation data corresponding to the mobile units, the downlink geolocation data measured by the mobile units. Support for Applicant's amendment may be found in paragraph [0018] under the section "Summary of the Invention," paragraph [0037] and [0008]-[0010]. Applicant submits that none of the references of record, Agostino, Nelson, or otherwise, teaches the gathering of downlink geolocation data corresponding to the mobile units, the downlink geolocation data measured by the mobile units (further, these steps are performed without the need for drive testing as claimed).

As the Office is aware, uplink signals are generally signals from the mobile unit to a cell site. Conversely, downlink signals are those signals from a cell site to a mobile unit. Thus, the downlink geolocation data is that data gathered/measured by the mobile unit from signals transmitted by the serving and/or neighboring cell site. This downlink geolocation data may then be collected by the cell site as claimed. Thus, embodiments of the claimed subject matter (Independent Claims 1, 17 and 18) employ subscriber mobile units in active communication with cell sites to measure downlink geolocation data and then supply said data over the active communication channel to the cell site for further analysis.

Agostino, on the other hand, is silent with regard to any teaching or disclosure of any type of downlink geolocation data measured by the mobile unit without drive testing. See Col. 3, line 56 – Col. 4, line 34 and Col. 9, ll. 41-45. Further, any geolocation data identified in Nelson is uplink geolocation data, that is using TDOA, etc. on signals transmitted by the mobile device, *see Fig. 3, Col. 5, ll. 17-36*. Thus, Applicant submits the rejection of independent Claims 1, 17 and 18 based on Agostino in view of Nelson should be withdrawn. Reconsideration and withdrawal of the rejection of Claims 1, 17 and 18 are respectfully solicited. As Claim 1 is in condition for allowance and Claims 2-3 and 7-16 depend therefrom, Applicant submits Claims 2-3 and 7-16 are allowable by virtue of their dependency alone without addressing the additional patentable subject matter therein. Reconsideration and withdrawal of the rejection of Claims 2-3 and 7-16 are respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and a notice to this effect is respectfully requested.

The Office is requested and hereby authorized to charge any required extension-of-time fees against Deposit Account Number 04-1679 to Duane Morris LLP.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,

/mcc/
Mark C. Comtois Reg. No. 46,285

DUANE MORRIS LLP
505 9th Street N.W., Suite 1000
Washington, D.C. 20004
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

Dated: August 14, 2009